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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement*/ submitted by Liberation, a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 January 2001]

This statement concerns the violation of human rights in the Indonesian provinces of Aceh and West Papua.

Recent months have seen brutal crackdowns by the Indonesian security forces against the independence movements and civilian populations of both provinces. The peaceful expression of political opinion has led to extensive repression and loss of life. Independence leaders and political activists who advocate non-violence have become the first prisoners of conscience under the administration of President Abdurrahman Wahid. Human rights defenders and civil society leaders committed to a peaceful resolution of the crises are under constant fear for their safety. The urgent attention of the international community to the situation in each province is required to help avoid a further deterioration into a state of war.

Liberation is particularly concerned that the Indonesian armed forces have been operating beyond the control of the civilian authorities and in particular the President, who has favoured reconciliation and peaceful dialogue as a means of solving the problems in these provinces. The strategy of adopting the military solution to political problems is a serious threat to human rights and democracy throughout Indonesia and amounts to disturbing regression to the repressive policies of the New Order regime under former President Suharto.

The Indonesian Government has failed to adequately address the issue of impunity, which is a principal cause of continuing human rights violations. Tens of thousands of people have been killed in Aceh and West Papua since former President Suharto came to power without the perpetrators being held to account for their crimes. It is essential that this issue is now addressed properly and effectively.

Aceh

Liberation welcomes the initiative of the UN experts on human rights defenders, extrajudicial executions, torture, arbitrary detentions, and violence against women in writing to the Indonesian Government on 22 November 2000 to call for it to investigate allegations of human rights violations against human rights defenders, and extrajudicial executions, torture and arbitrary detention of the civilian population of Aceh and to ensure that fundamental rights are protected. The decision by Indonesia's National Commission on Human Rights (Komnas HAM) to set up an ad hoc commission to investigate the human rights situation in Aceh is a encouraging first step, but the Government must be pressed to respond to the UN experts' request in full.

The Humanitarian Pause agreed between the Indonesian Government and the Free Aceh Movement (GAM) in May 2000 has brought no respite from violence. On the contrary, according to the Aceh Human Rights Care Forum, the number of people killed in Aceh has more than doubled from 393 in 1999 to 841 for the period 1 January to 7 December 2000. Over 500 have been killed since the Humanitarian Pause came into operation in June. A police spokesman has said that there has been a significant rise in violence since the New Year with one body being found on average every 11 hours. In many cases, bodies are left lying on the streets with the clear intention of striking terror into the civilian population.

Liberation welcomes the agreement reached on 10 January 2001 by the Indonesian Government and GAM to establish a one-month moratorium on violence and to work to revise the security arrangements of the Humanitarian Pause to make them more effective. The Government must now abandon the military approach to solving the conflict and take steps to ensure that the new agreement leads to a substantial improvement in the situation on the ground.

Liberation is concerned that Muhammad Nazar, the prominent head of the Aceh Referendum Information Centre (SIRA), remains in detention charged under notorious 'hate-sowing articles' of the Penal Code with expressing hostility, hatred or contempt of the Government, a political crime widely used by the Suharto regime against its opponents. Mr. Nazar's offence was to raise the UN flag and a banner calling for Indonesia to get out of Aceh during Indonesian Independence Day celebrations in August 2000. He is committed to non-violence and is being targeted for his peaceful political activities. He should be released immediately and unconditionally.

The treatment of Mr. Nazar and other peaceful activists is in stark contrast to the failure of the authorities to act against those responsible for human rights atrocities. No charges have yet been brought in relation to the cold-blooded execution of three humanitarian workers employed by the Rehabilitation Action for Torture Victims (RATA) and a fourth person on 6 December. These killings were as horrific as the murder in September of three UNHCR workers in West Timor, which caused international outrage.

West Papua

West Papua is extremely volatile following celebrations on 1 December to mark the day in 1961 when the Dutch colonial administration re-named the territory West Papua, and allowed the adoption of the 'Morning Star' national flag amid promises of a process leading to a genuine act of self-determination. Thousands of extra troops have been sent to the province since August to crackdown on separatist aspirations, pro-Jakarta militias - similar to those which operated in East Timor - have been created, and there have been numerous killings associated with attempts by the security forces to prevent the raising of the Morning Star flag. The ban on flying the flag is a complete reversal of an earlier policy promoted by President Wahid, which allowed the flag to be flown thereby respecting the West Papuans' right to freedom of expression.

In the worst recent incident, at least 30 people, including many settlers, were killed after police shot dead two flag raisers in the town of Wamena in October. Around ten people were killed following the 1 December celebrations in the towns of Merauke and Fak Fak. A student was shot dead by police special forces and two other students were tortured and beaten to death in police custody on 7 December following the deaths of two police officers. Many others were arbitrarily arrested, beaten and tortured by the police at that time.

Five moderate independence leaders - Theys Eluay, Taha Al Hamid, Don Flassy, John Mambor, and Herman Awom - remain in arbitrary detention awaiting trial on charges of advocating separation for West Papua. Again, these are people who are committed to non-violence, they are being charged with political crimes and should be released immediately and unconditionally.

In view of the serious human rights situations in Aceh and West Papua, Liberation urges the Commission to call upon the Indonesian Government to:

* Respect the right of the peoples of Aceh and West Papua to freedom of expression - including their right to peacefully express their independence aspirations - and respond to their demands politically and not militarily.
* End all military operations in the two provinces and withdraw the thousands of extra troops and police sent there in recent months.
* Take steps to ensure the safety of all humanitarian workers, human rights defenders and staff of international agencies.
* Conduct credible investigations into recent and past killings and human rights violations and ensure that those responsible, including those in a position of command responsibility, are brought to justice in trials which meet international standards of fairness, independence and impartiality.
* Release the political prisoners named above and all other persons subject to arbitrary detention.
* Respond fully to the request made on 22 November by the UN human rights experts.
* Invite to Indonesia the UN experts on extrajudicial executions, torture and human rights defenders to carry out independent assessments of the human rights situations in Aceh and West Papua.
* Allow the ICRC to extend its mandate in Indonesia to cover observation of the military's compliance with common Article 3 of the Geneva Conventions, and inspection of places of detention.
* Ensure that the ad hoc Komnas HAM commission is able to carry out its investigation into the human rights situation in Aceh free from intimidation or any other form of obstruction and that effective protection is provided to those giving evidence to the commission.

Liberation further urges the Commission to:

* Call upon Komnas-HAM to visit West Papua and for Komnas Perempuan (National Commission on Women's Rights) and Komnas Perlindungan Anak (National Commission for Child Protection) to visit Aceh and West Papua to provide protection to victims of human rights violations and to investigate the human rights situations there.
* Request the High Commissioner for Human Rights to use her good offices to continually monitor and raise concern about the human rights situation in Aceh and West Papua with the Indonesian authorities and to assist with the resolution of the ongoing conflicts.
* Request the UN Secretary-General to consider sending a special representative or other special mechanism to Indonesia to help find peaceful solutions to the conflicts.
* Request the Working Group on Arbitrary Detentions and the special rapporteur on violence against women to follow up the implementation of the recommendations in their reports of their visits to Indonesia in 1998.
* Request the Representative of the Secretary General on Internally Displaced Persons to visit Aceh during his visit to Indonesia in 2001.